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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,900	06/20/2001	Scott Baggs	10004919-1	4858

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EXAMINER

YAM, STEPHEN K

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,900

Applicant(s)

BAGGS, SCOTT

Examiner

Stephen Yam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Amendments and remarks filed on September 2, 2003. Claims 1-39 are currently pending.

Claim Objections

1. Claim 16 is objected to because of the following informalities:

In Claim 16, lines 4-5, 6-7, and 8, "the means for optically scanning" lacks proper antecedent basis- Examiner suggests replacement of the phrase with "the optical scanner".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 2, 4-8, 12-14, 16-26, 28-32, 34, 35, and 37 are rejected under 35 U.S.C. 102(a) as being anticipated by Minowa Japanese Publication No. 2000-209408 (hereinafter Minowa '408).

Regarding Claim 1, Minowa '408 teaches (see Fig. 4 and 6) a space-saving scanner assembly comprising a housing (11) having a substantially vertical source-contact surface (12) with a channel (from (14b) to (14c)) (see Fig. 4) that protrudes from the housing (as the channel is exterior to the housing (11)), said channel having a first surface (right surface of (14)- see Fig.

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4) that is substantially, parallel to and opposed from said source-contact surface, and a second surface (14c- see Fig. 4) substantially orthogonal ((14c) facing upwards) to the first surface (facing to the right), and a flap (14) coupled to the source-contact surface, having a source-backing surface (right surface of (14)- see Fig. 4) substantially parallel to the source-contact surface of the housing (see Fig. 4), wherein the source-contact surface, the source-backing surface, and the first and second surfaces of the channel form an aperture (14b) for receiving an edge of a source (above (14b)) to be scanned.

Regarding Claim 2, Minowa '408 teaches (see Fig. 4) a portion of the vertical source-contact surface of the housing comprising a platen (12) to permit scanning of a source document in a vertical position.

Regarding Claim 4, Minowa '408 teaches the flap includes an inclined surface (on (14) adjacent to (14b)) adjacent to the aperture.

Regarding Claim 5, Minowa '408 teaches the flap including a slot (14b).

Regarding Claim 6, Minowa '408 teaches (see Fig. 7) the source-backing surface of the flap including a clip (44) arranged to receive a portion of a source document to be scanned.

Regarding Claim 7, Minowa '408 teaches (see Fig. 7) the housing further comprising a recess (42) configured to receive a portion of the channel when an operator closely adjusts the source contact surface to the substantially vertical surface of the housing.

Regarding Claim 8, Minowa '408 teaches the platen having an upper edge, an opposing lower edge, a front edge relatively coexistent with a front panel of the housing and a distal edge and wherein the channel is adjacent to the lower edge of the platen (see Fig. 4 and 6).

Regarding Claim 12, Minowa '408 teaches the slot positioned to permit the placement of a relatively short source document on edge on the channel wherein information to be scanned is aligned with at least a portion of a platen (see Fig. 4).

Regarding Claim 13, Minowa '408 teaches (see Fig. 7) the housing configured to extend the channel from the vertical source-contact surface when an operator adjusts the source-backing surface in relation to the vertical source contact surface of the housing to increase the width of the aperture (see Fig. 7).

Regarding Claim 14, Minowa '408 teaches (see Fig. 4) the width of a first end (14b) of the channel proximal to a front panel (side with (14b)) of the housing increasing over that portion of the channel that extends beyond the platen (under (14c)).

Regarding Claim 16, Minowa '408 teaches (see Fig. 4 and 6) a space-saving scanner assembly comprising means (11) for housing an optical scanner (13) (see Fig. 1), and means (14) for forming an aperture (from (14b) to (14c)) configured to closely receive a leading edge of a source (bottom edge going into (14b)- see Fig. 6), such that the source can be spatially arranged with said optical scanner without adjusting the aperture, the source being supported along a second edge (left edge- see Fig. 6) of said source along a channel means (14, 14c) when the source is aligned with the optical scanner while in the aperture and spatially arranged with said optical scanner, wherein said channel means protrudes from said means for housing (as the channel is exterior to the housing (11)) and comprises a source retaining means (14) substantially parallel to, and opposed from, said optical scanner and a source support means (14c) substantially orthogonal ((14c) facing upwards) to said source retaining means (facing to the right).

Regarding Claim 17, Minowa '408 teaches (see Fig. 6) the source retaining means of said channel means extending vertically from a base (30b) of said channel means and said source support means is substantially parallel to said base of said channel means (as both have surfaces facing upwards/downwards and extending from the front to the back of the device).

Regarding Claim 18, Minowa '408 teaches (see Fig. 4) the means for forming an aperture comprising a flap having a slot (14b).

Regarding Claim 19, Minowa '408 teaches (see Fig. 4) the means for forming an aperture comprising a first inclined surface (on (14) adjacent to (14b)) associated with a flap.

Regarding Claim 20, Minowa '408 teaches (see Fig. 4 and 6) a method for saving space on a desktop comprising providing an optical scanner (13) (see Fig. 1) having a housing (11), the housing having a substantially vertical source-contact surface with a channel (from (14b) to (14c)) protruding from the housing (as the channel is exterior to the housing (11)), the channel having a first surface (right surface of (14)- see Fig. 6) that is substantially parallel to, and opposed from, said source-contact surface, the vertical source-contact surface including a transparent platen portion (12), wherein the channel is adjacent to a lower edge of the transparent platen portion (see Fig. 4 and 6) and further comprises a second surface (14c) substantially orthogonal ((14c) facing upwards) to the first surface, and providing a flap (14) coupled to the source-contact surface, having a source backing surface (right surface of (14)- see Fig. 6) substantially parallel to the source-contact surface of the housing, wherein the source-contact surface, the source-backing surface, and the first and second surfaces of the channel form an aperture (14b) for receiving a source to be scanned.

Regarding Claim 21, Minowa '408 teaches inserting (see Fig. 6) a leading edge of a source (above (14b)) to be scanned into the aperture formed by the source contact surface, the source-backing surface, and the channel such that the source is supported along a second edge (left and right) by the channel.

Regarding Claim 22, Minowa '408 teaches (see Fig. 4) spatially arranging the flap and the housing wherein pressure is applied to a non-scan surface of the source and the scan surface of the source closely contacts the transparent platen portion.

Regarding Claim 23, Minowa '408 teaches enabling the optical scanner to scan the source (see Paragraph 0014).

Regarding Claim 24, Minowa '408 teaches (see Fig. 1 and 5) spatially arranging the flap and the housing wherein pressure is removed from the non-scan surface of the source.

Regarding Claim 25, inherently a source is removed from a scanner after the scanning process.

Regarding Claim 26, Minowa '408 teaches (see Fig. 4 and 6) a space-saving scanner assembly comprising a housing (11) having a substantially vertical source-contact surface, a channel (from (14b) to (14c)) protruding from the housing (as the channel is exterior to the housing (11)), having a first surface (right surface of (14)- see Fig. 6) that is substantially parallel to and opposed from said source-contact surface and a second surface (14c) substantially orthogonal ((14c) facing upwards) to the first surface, and a flap (14) coupled to the housing, the flap having a source-backing surface (right surface of (14)- see Fig. 6) substantially parallel to the source-contact surface of the housing, wherein the source contact surface, the source-backing surface, and the first and second surfaces of the channel form an aperture (14b) for receiving an

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edge of a source to be scanned without necessitating relative movement between the flap and the housing.

Regarding Claim 28, Minowa '408 teaches the flap including an inclined surface (on (14) adjacent to (14b)) adjacent to the opening, the inclined surface arranged to increase the opening along a front edge of the flap, wherein the front edge is substantially perpendicular to the source-backing surface.

Regarding Claim 29, Minowa '408 teaches the flap including a slot (14b).

Regarding Claim 30, Minowa '408 teaches (see Fig. 4) the slot positioned to permit the placement of a relatively short source document on edge on said channel and wherein information to be scanned from the source document is aligned with at least a portion of a platen.

Regarding Claim 31, Minowa '408 teaches (see Fig. 7) the housing further comprising a recess (42) configured to receive a portion of said channel when the source-backing surface is in close proximity to the source-contact surface.

Regarding Claim 32, Minowa '408 teaches (see Fig. 6) said channel having a first end proximal to a front panel of the housing and a distal end that extends at least to a distal edge of a platen.

Regarding Claim 34, Minowa '408 teaches (see Fig. 7) the housing is configured to extend said channel from the source-contact surface when an operator adjusts the source-backing surface in relation to the source-contact surface to increase the width of the aperture (see Fig. 7).

Regarding Claim 35, Minowa '408 teaches (see Fig. 4) the width of said channel at a first end (14b) of said channel proximal to a front panel (side with (14b)) of the housing increasing over that portion of said channel that extends beyond a platen (under (14c)).

Regarding Claim 37, Minowa '408 teaches a method for arranging a source in a scanner comprising inserting (see Fig. 4 and 6) a leading edge of the source (above (14b)) into an aperture (14b) formed by a channel (from (14b) to (14c)) that protrudes from a housing (11) (as the channel is exterior to the housing (11)), having a first surface (right surface of (14)- see Fig. 6) that is substantially parallel to and opposed from, a platen (12) of the scanner such that a surface of the source having information thereon that is desired to be imaged by the scanner is adjacent to a sensor (13) (see Fig. 1) arranged in a substantially vertical plane and such that said leading edge is supported by a base surface (14c) of said channel, said base surface extending adjacent to an edge of said platen (see Fig. 4), and adjusting (by insertion) the source such that the information desired to be imaged is aligned with the sensor.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 11, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minowa '408 in view of Minowa et al. US Patent No. 6,408,161 (hereinafter Minowa '161).

Minowa '408 teach the assembly in Claims 4 and 26, according to the appropriate paragraph above. Minowa '408 does not teach the flap coupled to the housing with a post assembly having a plurality of spatially separated detent positions or the flap coupled to the housing with at least one adjustable fastener. Minowa '161 teach (see Fig. 10) a vertical scanner

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with a flap (139) and an aperture (between (139) and (112) where the flap is coupled (see Fig. 14) to the housing with at least one post assembly (240) having a plurality (front and back) of spatially separated detent positions and the flap is coupled to the housing with at least one adjustable fastener (139a) for closely contacting the source-backing surface to the vertical source-contact surface (see Col. 8, lines 21-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a post assembly with a plurality of separated detent positions and a flap with an adjustable fastener as taught by Minowa '161 in the apparatus of Minowa '408, to provide easy operation of the flap and prevent the flap from opening during operation of the scanner.

6. Claims 3, 9, 15, 27, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minowa '408 in view of Minowa Japanese Publication No. 2001-053918 (hereinafter Minowa '918).

Regarding Claims 3, 9, and 27, Minowa '408 teaches the assembly in Claims 9 and 26, according to the appropriate paragraph above. Regarding Claim 9, Minowa '408 teaches (see Fig. 10) the channel having a first end proximal to a front panel of the housing and a distal end that extends at least to an edge (rear) of the platen. Minowa '408 does not teach the housing containing a front panel with an inclined surface adjacent to the opening, the inclined surface forming a wider opening at the surface of the front panel. Minowa '918 teaches (see Fig. 4) a vertical scanner with a flap (12A) wherein the front side (side in which where paper (S) is inserted) of the flap contains an inclined surface (by (16)) adjacent to the opening for forming a wider opening, and it is functionally equivalent to have the inclined surface on the flap vs.

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having it on the front panel of the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an inclined surface on a front panel adjacent to the opening as shown by Minowa '918 in the assembly of Minowa '408, to provide easier insertion and removal of the documents for scanning.

Regarding Claims 15 and 36, Minowa '408 teaches the assembly in Claims 9 and 26, according to the appropriate paragraph above. Minowa '408 does not teach said channel coated with a material having a relatively low coefficient of friction. It is well known in the art to use materials with relatively low coefficient of friction to facilitate the insertion and removal of objects into slots- for example, floppy disk drives and paper feeders for printers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the channel with a material having a relatively low coefficient of friction, to provide easier movement of documents for insertion and removal from the apparatus.

7. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minowa '408.

Minowa '408 teaches the method in Claim 37, according to the appropriate paragraph above. Minowa '408 also teaches (see Fig. 4) a slot (14b) formed in a flap (14), and enabling the scanner to scan the information (see Paragraph 0014) and inherently, the source is removed from the scanner assembly after the scanning process. Minowa '408 does not teach inserting a plug into a slot formed in a flap and then removing the plug. It is well known in the art to cover an optical scanning device to block ambient light from adversely affecting the scanning process. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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insert a plug into the slot before scanning and remove the plug after scanning in the method of Minowa '408, to block any ambient light which may propagate into the channel from the slot, to improve scanning contrast and clarity.

Response to Arguments

8. Applicant's arguments filed September 2, 2003 have been fully considered but they are not persuasive.

Applicant argues Minowa '408 does not teach a housing with a channel extending/protruding from the housing. Examiner asserts that in Minowa '408, the housing is defined on the left side by the surface containing platen (12) (see Fig. 4) and since the source is positioned to the left of the platen, it therefore is located in a position protruding from the housing, and since the channel encloses the source, it also is protruding from the housing. Therefore, Minowa '408 teaches the limitation of a housing with a channel extending/protruding from the housing.

Applicant also argues that Minowa '408 does not teach the channel containing a first surface and a second surface substantially orthogonal to the first surface. Examiner asserts that Minowa '408 teaches (see Fig. 6) the channel defined by a first surface (right surface of (14)) and a second surface (14c) substantially orthogonal to the first surface (as the surface (14c) faces upwards to support the bottom edge of the source).

Applicant argues that Minowa '408 does not teach a source retaining means substantially parallel to, and opposed from said optical scanner and a source support means substantially

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orthogonal to said source retaining means, as recited in Claim 16. Examiner asserts that Minowa '408 teaches a source retaining means (right surface of (14)) substantially parallel and opposed from said optical scanner (since the scanner is parallel to platen (12)- see Fig. 1), and a source support means (14c) substantially orthogonal to said source retaining means (as the surface (14c) faces upwards to support the bottom edge of the source and the source retaining means faces to the right).

Applicant further argues that Minowa '408 does not teach the channel adjacent to a lower edge of the transparent platen portion, as recited in Claim 20. Examiner asserts that the channel of Minowa '408 is adjacent to a lower edge of the transparent platen portion (12), as seen in Fig. 4 where the channel is established at (14c) and proceeds both upwards towards (14b) and to the front and rear ends of the device, to receive the lower edge of the source. Therefore, the channel is adjacent to a lower edge of the transparent platen portion in Minowa '408.

Applicant also argues that Minowa '408 does not teach a base surface extending adjacent to an edge of the platen, as recited in Claim 37. Examiner asserts that Minowa '408 does indeed teach a base surface (14c) which extends from the front to the rear of the device and is adjacent to the lower edge of the platen which also extends from the front to the rear of the device.

Thus as set forth above, this rejection is proper.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Nee US Patent No. 6,661,539, teaches a vertical flatbed scanner with a flap to save space.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Yam whose telephone number is (703)306-3441. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (703)308-4852. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

SY

SY


THANH X. LUU
PATENT EXAMINER